

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

G., PARENT AND NEXT FRIEND OF)	Civ. No. 08-00551 ACK-BMK
K., A DISABLED CHILD, ET AL.,)	Civ. No. 09-00044 ACK-BMK
)	(Consolidated)
Plaintiffs,)	
)	
vs.)	
)	
STATE OF HAWAII, DEPARTMENT OF)	
HUMAN SERVICES, ET AL.,)	
)	
Defendants.)	
_____)	
)	
G., PARENT AND NEXT FRIEND OF)	
K., A DISABLED CHILD, ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
UNITED STATES DEPARTMENT OF)	
HEALTH AND HUMAN SERVICES, ET)	
AL.,)	
)	
Defendants.)	
_____)	

ORDER DECLINING TO APPROVE THE STIPULATION TO EXTEND TIME TO FILE
REPLY BRIEFS IN SUPPORT OF THE PARTIES' MOTIONS FOR SUMMARY
JUDGMENT IN CIVIL NO. 09-00044 ACK-BMK

The Court is currently set to hear three motions for summary judgment in the action against the Federal Defendants on December 7, 2009. Two were filed by Plaintiffs and one was filed by the Federal Defendants.^{1/}

^{1/} In addition, the Court has set the hearing on the State Defendants' motion for partial summary judgment, their Burford
(continued...)

On November 2, 2009, Plaintiffs and the Federal Defendants filed a stipulation to extend the time to file replies in support of their motions for summary judgment. They assert that, pursuant to Rule 7.4 of this Court's Local Rules of Practice, their replies are due by November 27, 2009, the day after Thanksgiving. They further explain that the Federal Defendants' counsel has plans to travel out-of-town to visit family for the holiday weekend and that the absence of other government officials from the office during the holidays will make it difficult to obtain necessary approvals to file a reply on November 27, 2009. In view of those issues, Plaintiffs and the Federal Defendants stipulate that the deadline to file replies in support of their motions for summary judgment shall be extended to December 2, 2009, just five days before the hearing. They ask the Court to approve their stipulation.

Local Rule 7.4 provides that "[a]ny reply in support of a motion set for hearing shall be served and filed by the moving party not less than eleven (11) days prior to the date of hearing." Under the rule, when a due date for a reply falls on a holiday, the reply is due the day before the holiday. That way, the reply will be filed "not less than eleven (11) days prior to

^{1/}(...continued)
abstention motion, and any motions for summary judgment as to the License Question for December 14, 2009. (Those motions do not involve the Federal Defendants.)

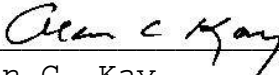
the date of hearing." See R.L. Inv. Ltd. Partners v. Immigration & Naturalization Serv., 86 F. Supp. 2d 1014, 1019 n.1 (D. Haw. 2000) (construing similarly Local Rule 7.4's requirement that an opposition be filed "not less than eighteen (18) days prior to the date of hearing"). In this case, eleven days before the December 7, 2009, hearing is November 26, 2009, Thanksgiving, which is a holiday. Under Local Rule 7.4, the parties' replies in support of their motions for summary judgment are consequently due by November 25, 2009. Therefore, contrary to Plaintiffs' and the Federal Defendants' contention, their replies are not due by November 27, 2009, but rather by November 25, 2009. In other words, the replies are due the day before, not after, Thanksgiving. There has been no showing that the Federal Defendants' counsel will encounter any difficulty in obtaining the necessary approvals to file a reply on the day before Thanksgiving. In addition, the Court notes that the parties' requested extension would not afford the Court with sufficient time to review their replies in preparing for the hearing.

Accordingly, the Court declines to approve Plaintiffs and the Federal Defendants' stipulation. Consistent with Local Rule 7.4, their replies in support of their motions for summary judgment set for hearing on December 7, 2009, shall be due by November 25, 2009.

IT IS SO ORDERED.

Dated: Honolulu, Hawai'i, November 3, 2009.





Alan C. Kay
Sr. United States District Judge

G. v. Hawai'i, Dep't of Human Servs., Civ. Nos. 08-00551 ACK-BMK & 09-00044
ACK-BMK: Order Deciling to Approve the Stipulation to Extend Time to File
Reply Briefs in Support of the Parties' Motions for Summary Judgment in Civil
No. 09-00044 ACK-BMK